

JOSEPH P. RUSSONIELLO (CABN 44332)  
United States Attorney

BRIAN J. STRETCH (CABN 163973)  
Chief, Criminal Division

HANLEY CHEW (189985)  
Assistant United States Attorney

150 Almaden Boulevard, Suite 900  
San Jose, CA 95113  
Telephone: (408) 535-5061  
Fax: (408) 535-5066  
E-Mail: hanley.chew@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

UNITED STATES OF AMERICA, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
FRITZ BRUNZ, )  
 )  
Defendant. )  
\_\_\_\_\_ )

No. CR 07-00431 JF

**STIPULATION AND ~~PROPOSED~~  
ORDER TO CONTINUE  
DEFENDANT'S SENTENCING FROM  
AUGUST 26, 2010 TO NOVEMBER 18,  
2010**

The parties, including the defendant, stipulate as follows:

1. On April 22, 2009, defendant Fritz Brunz ("defendant") pled guilty, pursuant to a plea agreement, to count one the indictment, charging him with introducing or causing to be introduced into interstate commerce a misbranded drug, in violation of 21 U.S.C. § 331(a). Defendant's sentencing is currently scheduled for August 26, 2010 at 9:00 a.m.
2. On August 9, 2010, the United States Probation Office in Colorado which had been supervising defendant informed government counsel, defense counsel and the United States Probation Office in San Jose, California that defendant had died. In light of defendant's death, government counsel intends to dismiss the case against defendant. However, before government

counsel can obtain approval from his supervisors to do so, government counsel is required to present a certified copy of defendant's death certificate. Accordingly, government counsel and defense counsel request a continuance of defendant's sentencing to allow government counsel time to obtain a certified copy of defendant's death certificate and the necessary authority to dismiss the present case.

Therefore, government counsel and defense counsel respectfully request that the Court continue defendant's sentencing from August 26, 2010 to November 18, 2010, at 9:00 a.m.

IT IS SO STIPULATED.

JOSEPH P. RUSSONIELLO  
United States Attorney

Dated: 8/9/10

/s/ Hanley Chew  
HANLEY CHEW  
Assistant United States Attorney

Dated: 8/9/10

/s/ Cynthia Lie  
CYNTHIA LIE  
Assistant Federal Public Defender  
Attorney for Defendant

**[PROPOSED] ORDER**

Having considered the stipulation of the parties, and good cause appearing, the Court orders that defendant Fritz Brunz's sentencing in the above-captioned case is continued from August 26, 2010 to November 18, 2010, at 9:00 a.m.

IT IS SO ORDERED.

DATED: 8/12/10

  
\_\_\_\_\_  
THE HONORABLE JEREMY FOGEL  
United States District Court Judge